

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DIVISION OF NEW YORK**

NATIONAL CONTINENTAL INSURANCE  
COMPANY, and AXIS SURPLUS INSURANCE  
COMPANY,

Plaintiffs.

CIVIL ACTION NO. 2:15-CV-05157

V.

ARILYN ABDYMADIYEVA, SARA AGUILAR,  
AHMET GOK, SORINA ALBU, EDDIE BAMZE,  
ESTATE OF IDIL BASHL REYHAM ERTEM  
as Mother of Decedent IDIL BASHI, ESIN  
BOZDAG, KRISTINA BRANDISAUSKAITE,  
MARIA CALIN, ESTATE OF HUA YU CHEN,  
KARIM FELLAH, ARUN GAJAWADAALLAN GE,  
MEHMET GURBUZ, HUAN-JUAN GUO, HUAN-ZI  
GUO, AGNE GURKSNYTE, IHSSENE  
KERCHOUCH, KRISHNAIAH LAGISETTY SHILPA  
LAGISETTY, JANE MACIAS, SERGIO MACIAS,  
ELVIA ORDONEZ MANTILLA, GLADYS  
ORDONEZ MANTILLA, AMIR PATEL, NTSAR  
Y. PATEL, SHAM IN PATEL, ESTATE OF  
JYOTSNA POOJAR1, ANDREEA POPESCU,  
AITHA PRABHAKAR, MELIS SEKER, SAMIR  
SHAIKH, Individually and as Parent and  
Guardian of S.S. a minor, and M.S.S a minor,  
SHAGUFTA SHAIKH, MARJIS SIMONOSKA,  
CECILIA SOLORZANO, DORISIBETH  
SOLORZANO AITHA SRIDEVI, BHARATI  
THAKKAR, ALAN T. TIET, ARIEL P. TIET,  
CONNIE P. TIET, JANICE P. TIET, ANA  
TOPUZOVA, PADMA VADDEY, VENKATA  
VADDEY, ANNE WARREN, KERRY WHITAKER,  
ALLSTATE INSURANCE COMPANY, and  
STANDARD SECURITY LIFE INSURANCE CO.,

Defendants.

**ANSWER TO COMPLAINT FOR INTERPLEADER**

NOW COMES Defendant, Mehmet Gurbuz, by and through his attorney Neal L. Weinstein, and answers the Interpleader Complaint as follows:

1. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

2. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

3. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

4. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

5. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

6. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

7. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint. Notwithstanding, the Defendant's name is Ahmet Gok.

8. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

9. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

10. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

12. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

13. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

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15. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

16. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

17. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

18. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint.

19. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

20. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

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33. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of

the Plaintiffs' Complaint.

34. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

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50. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

51. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

52. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

53. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

54. Defendant admits that Mehmet Gurbuz and Ahmet Gok were passengers on the bus insured by the Plaintiffs. As to the other passengers, Defendant is without sufficient knowledge and information to form a belief, and therefore denies the allegation as it relates

to other passengers.

55. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

56. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

#### JURISDICTION AND VENUE

57. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint.

58. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint.

59. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint.

#### **FACTS**

60. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint relative to the accident date, owner and description of the accident. Defendant is without sufficient knowledge and information to form a belief as to the name of the driver, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint relating to the driver.

61. Defendant admits the allegations contained in this paragraph of the Plaintiffs' Complaint relative to Ahmet Gok and Mehmet Gurbuz sustaining personal injuries. Defendant is without sufficient knowledge and information to form a belief as to the personal and/or fatal injuries sustained by other passengers, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint relative to other passengers.

62. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

63. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

64. Defendant admits to the legal representation of Ahmet Gok and Mehmet Gurbuz. Defendant is without sufficient knowledge and information to form a belief as to the representation of other passengers, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint relative to other passengers.

65. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint

66. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint

67. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

#### **COUNT I: STATUTORY INTERPLEADER**

68. Defendant repeats and reasserts responses to paragraphs 1 through 67 of Plaintiffs' Complaint as if fully set forth herein.

69. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

70. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

71. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

72. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.



73. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

74. Defendants admits the allegations contained in this paragraph of the Plaintiffs' Complaint.

75. Defendant consents to the insurance proceeds of \$5,000,000 being deposited into Court in an interest bearing account for the benefit of Passenger Claimants. Defendant objects to the Plaintiffs' request for total discharge from liability.

76. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations, and therefore denies allegations contained in this paragraph of the Plaintiffs' Complaint.

#### **AFFIRMATIVE DEFENSE**

1. Plaintiffs' request to be discharged from liability is premature and without merit.

Dated this 26th day of October 2015.

/s/ Neal L. Weinstein

Neal L. Weinstein

U.S. Bar No. 1517

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CERTIFICATE OF SERVICE

I, Neal L. Weinstein, hereby certify that on this date, a true and complete copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF, which will notify the registered attorney(s) of record that the documents have been filed.

Date: 10/26/15

/s/ Neal L. Weinstein

Neal L. Weinstein, Esq.  
US Bar No. 1517

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